

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Case No. 23-1483

JULIE GASKINS

v.

EASYKNOCK REAL ESTATE FUND I, LLC, et al.

CASE NO. 1:23-cv-01132-GLR

APPELLANT’S INFORMAL REPLY BRIEF

Julie A. Gaskins
2106 E. Baltimore St.
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Appellee oddly filed a response in a matter where they were not legally served as Defendants. The lower court instructed the clerk's office to hold the file as noted in the docket entries. The appellant submitted the summons to the clerk as required by the Federal Rules of Civil Procedure. The clerk at no time issued the summons for service leaving the Appellant without the ability to properly serve the Appellees. The federal rules of civil procedure regarding service are clear. "A summons must be served with a copy of the complaint." Fed. R. Civ. P. 4(c)(1) Unlike Attorneys, officers of the court, pro se parties are not able to sign the summons and present them for service. The lower court stated that the Plaintiff failed to properly serve the complaint. Yet, it failed to recognize that the Plaintiff was hindered from serving the complaint when the Court improperly dismissed the complaint without having properly issued the summons for service. "Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied." See *Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co., Ltd.*, 484 U.S. 97, 104 (1987).

The Federal Rules of Civil Procedure require a summons to be issued by the Court in pro se matters. Rule 4(e)(1) provides that a party can effect service by following the state law of the "State where the district court is located or where service is made." Maryland Rule 2-124(h) states that service to a limited liability corporation ("L.L.C.") must be made upon its resident agent, and if good faith attempts to serve the resident agent fails, then to another person expressly or

impliedly authorized to receive process. Plaintiff submitted this information to the clerk's office and was expecting the U.S. Marshalls to effect service.

The Plaintiff's case was dismissed before the summons was issued by the Court despite the Defendants being sued in various States across the country. The appellant respectfully requests that this Court send the case back to the issuance of a summons for the remaining parties now that Defendant's attorneys have entered an appearance.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY certify that on this 24th day of June 2023, the foregoing Informal

Reply Brief was mailed to and emailed to:

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